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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,299	12/17/2004	Hiroto Watanabe	4703-0107PUS1	6695
2292	7590	08/17/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TRIEU, VAN THANH	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/518,299	WATANABE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Van T. Trieu	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/17/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## ***DETAILED ACTION***

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-9 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Senba et al** [US 6,927,738].

Regarding claim 1, a contact less communication system information carrier, comprising: a core piece in which an integrated circuit chip with an antenna coil integrally formed on one surface is fitted inside a recess of a core piece body (the RFID tag 1a, 1b having an IC chip 4 and antenna coil 2a, 2b are fitted inside a non-conductive resin 6, see Figs. 1b, 4 and 11, col. 15, lines 10-18 and col. 19, lines 40-44); but **Senba**

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**et al** fails to disclose the non-metal spacer in which the core piece center of the spacer to retain the core fitted to fitting part located in a piece. However, **Senba et al** teaches that the non-conductive resin or sealing container 6, 36 is housed inside a metal protective container 31 having a top lid 32 and a bottom lid 33 and an intermediary frame member 34 and are molded by filling an adhesive agent or the like into the protective container 31 empty spaces, see Figs. 30 and 31, col. 29, lines 64-67 and col. 30, lines 1-8. Therefore, an artisan would recognize that the adhesive agent or the like into the protective container 31 empty spaces usually be of a non-conductive material such as resin, see col. 29, lines 8-10, for preventing of vibration and loose components within the protective container. And the claimed metal weight which is placed and coupled so as to surround an outer periphery of the spacer, wherein the antenna coil and the metal weight are separated from each other via the spacer is met by the metal protective container 31 and the non-conductive spacer discussed above, see Figs. 30 and 31).

Regarding claim 2, the claimed the fitting part of the and the core spacer comprises a bottomed recess or a through hole, piece body is forcibly fitted into the fitting part is met by the discussions of the protective container 31 with none-conductive spacer in respect to claim 1 above, see Figs. 30 and 31.

Regarding claim 3, the claimed the outer peripheral surface of the core piece body has an annular convex portion or an annular groove, an inner peripheral surface of the fitting

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part of the spacer has an annular groove or an annular convex portion, and the annular convex portion and the annular groove are fitted to each other (the installment groove portion 11a, see Fig. 16, col. 20, lines 64-67, col.. 21, lines 1-23 and col. 23, lines 13-38).

Regarding claim 4, the claimed fitting part of the spacer comprises a bottomed recess, and an inner peripheral surface of the fitting part or an outer peripheral surface of the core piece body has an air vent groove, which reads upon the gap 35, see Figs. 30 and 31, col. 29, lines 3-36.

Regarding claim 5, the claimed weight has a through hole in a center part thereof (the hole or slit formed on the lid member 16 or 32 of the protective container 15 or 31, see Figs. 16, 30 and 31, col. 21, lines 47-67, col. 22, lines 1-33); but **Senba et al** fails to disclose a spacer made of a synthetic resin is forcibly fitted into the through hole.

However, **Senba et al** teaches that the hole or slit formed on the lid member 16 or 32 of the protective container 15 or 31. The components inside the protective member 31 is molded by filling an adhesive agent or the like into the protective member, see Figs. 16, 30 and 31, col. 21, lines 47-67, col. 29, lines 64-67 and col. 30, lines 1-8. Therefore, an artisan would recognize that the hole/split in the top lid could use to fill the adhesive agent or non-conductive material for sealing and securing components inside the protective container to prevent loose components and vibrations.

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Regarding claim 6, the claimed an inner peripheral surface of the through hole has a locking rib, which cuts into an outer peripheral surface of the spacer when the spacer is forcibly fitted into the through hole, is met by the discussions of the spacer in respect to claims 1 and 5 above, and the locking rib is met by the gap 35, see Figs. 30 and 31.

Regarding claim 7, the claimed weight has a through hole in a center part thereof, and a spacer made of a synthetic resin is insert-molded into the through hole is met by the spacer discussions in respect to claim 1 above.

Regarding claim 8, the claimed an inner peripheral surface of the through hole has a locking rib, which cuts into an outer peripheral surface of the spacer when the spacer is forcibly fitted into the through hole is met by the discussions of the filling spacer material through the hole/split in respect to claim 6 above.

Regarding claim 9, all the claimed subject matters are discussed in respect to claim 1 above.

Regarding claim 11, all the claimed subject matters are discussed in respect to claims 1 and 9 above.

Regarding claim 12, all the claimed subject matters are discussed in respect to claim 1 above.

Regarding claim 13, all the claimed subject matters are discussed in respect to claims 2 and 12 above.

Regarding claim 14, all the claimed subject matters are discussed in respect to claims 3 and 13 above.

Regarding claim 15, all the claimed subject matters are discussed in respect to claims 4 and 13 above.

### ***Conclusion***

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Kawakami et al** disclose an antenna for communicating an electromagnetic wave including a conductor plate having a through hole at the center of the conductor plate.  
[US 6,861,992]

**Baldwin et al** discloses a tag/label including first and second sheets having facing sides, a thin, flat, flexible device is disposed between the facing sides of the first and second sheets and has opposing flat surfaces meeting at a perimeter surrounding the device. [US 5,982,284]

3. Any inquiry concerning this communication or earlier communications from examiner should be directed to primary examiner **Van Trieu** whose telephone number

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is (571) 272-2972. The examiner can normally be reached on Mon-Fri from 7:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mr. Mike Horabik** can be reached on (571) 272-3068.

A handwritten signature in black ink, appearing to read 'Van Trieu', with a long horizontal flourish extending to the right.

**Van Trieu**  
**Primary Examiner**  
**Date: 8/15/06**